

MOLLY M. REZAC  
Nevada Bar No. 7435  
molly.rezac@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
200 S. Virginia Street, 8th Floor  
Reno, NV 89501  
Telephone: 775.440.2373

KATHRYN C. NEWMAN  
NOEL M. HERNANDEZ  
kathryn.newman@ogletree.com  
noel.hernandez@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
10801 W. Charleston Blvd., Suite 500  
Las Vegas, NV 89135  
Telephone: 702.369.6800  
Fax: 702.369.6888

*Attorneys for Defendants Hobby Lobby Stores, Inc.  
& Petefish Gene Petefish*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

JAIYAUNA RAYSHAWN YOAKUM, an  
individual; and JOHNTOVIA PRESTON, an  
individual: collectively,

Plaintiffs,

vs.

HOBBY LOBBY STORES, INC., a foreign  
corporation; PETEFISH GENE PETEFISH, an  
individual; and DOES I to X, inclusive;  
collectively,

Defendants.

Case No.: 2:23-cv-01740-APG-DJA

**JOINT STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**(First Request)**

Plaintiffs Jaiyauna Rayshawn Yoakum and Johntovia Preston (“Plaintiffs”) and Defendants Hobby Lobby Stores, Inc. and Petefish Gene Petefish (“Defendants”) (collectively, “the Parties”), hereby stipulate and request that the Court extend the discovery deadlines for ninety (90) days in this case. If granted, this will be the first extension of the Joint Discovery Plan and Scheduling

Order in this matter (ECF No. 21). This request is made in good faith and is not for the purpose of delay and is supported by good cause.

**I. RELEVANT PROCEDURAL BACKGROUND**

Plaintiffs filed this action against Defendants in the Eighth Judicial District Court of the State of Nevada on September 7, 2023. (ECF No. 1-1.) Defendants filed a timely notice of removal to federal court on October 26, 2023. (ECF No. 1.) Defendants filed their Answer to Plaintiff's Complaint on November 9, 2023. (ECF Nos. 11, 12.)

On December 14, 2023, the Court entered an Order adopting the Parties' proposed Joint Discovery Plan and Scheduling Order (ECF No. 21), setting the following deadlines:

- Expert Disclosures – July 8, 2024;
- Rebuttal Expert Disclosures – August 7, 2024;
- Discovery Cut-Off Date – September 6, 2024.
- Dispositive Motion – October 7, 2024.
- Joint Pretrial Order – November 6, 2024.

On April 9, 2024, the parties participated in an Early Neutral Evaluation with U.S. Magistrate Judge Couvillier. (ECF No. 31.) The parties were not able to resolve the matter during that proceeding and the case was returned to the litigation track. (*Id.*)

**II. INFORMATION REQUIRED BY LOCAL RULE 26-3.**

Pursuant to LR 26-3, the Parties provide the following additional information to the Court in connection with their request for an extension of the discovery deadlines:

**A. Statement Of Discovery That Has Been Completed.**

The Parties have exchanged initial disclosure statements and related discovery. Defendant Hobby Lobby has served two sets of Interrogatories and two sets of Requests for Production on Plaintiff Preston, and she has responded. Hobby Lobby has also served two sets of Interrogatories and two sets of Requests for Production on Plaintiff Yoakum, and she has responded.

**B. Description Of The Discovery That Remains To Be Completed.**

While subject to change, Hobby Lobby is in the process of retaining a testifying expert. Hobby Lobby requests additional time to complete that process and to make the required

disclosures. Hobby Lobby had been in talks with a potential expert witness previously, who is no longer available. As a result, Hobby Lobby resumed discussions with other candidates and requests the additional time to complete the process.

Defendants also intend to depose Plaintiffs and individuals identified by Plaintiff as witnesses. Depositions will be set in due course and are anticipated to be scheduled between August and September 2024. The Parties will meet and confer on dates. The Parties do not view the above intentions or plans to limit the individuals that the Parties may seek to depose, but rather are what the Parties currently anticipate.

Plaintiffs' first set of written discovery is presently being finalized for service on Defendants. Plaintiffs intend to depose Defendant Petefish Gene Petefish and percipient witnesses, including, but not limited to, relevant Hobby Lobby store employees and FRCP 30(b)(6) designee(s). Plaintiffs are cooperating with Defendants to coordinate depositions, as noted, throughout August and September 2024.

**C. Reason the Remaining Discovery Cannot Be Completed Within the Time Limits Set By The Discovery Plan.**

As set forth above, the timely disclosure of experts by Defendant Hobby Lobby was impeded by a potential expert's unavailability. As a result, Hobby Lobby renewed its search for an expert witness in June 2024. Plaintiffs do not object to the request for a continuance of the expert disclosure deadline. The cascade effect of the extension of the expert disclosure deadline is such that the parties believe a general extension of all of the related discovery deadlines would set a realistic schedule for the orderly completion of discovery in this case. Therefore, the Parties jointly request that the Court amend the Discovery Plan and Scheduling Order (ECF No. 28) and extend all case deadlines as proposed below.

**D. Proposed Schedule for Completing All Remaining Discovery.**

**1. *Discovery Cut-Off Date.*** The discovery cut-off deadline shall be **December 5, 2024.**

**2. *Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).*** The Parties propose that the disclosure of experts shall proceed according to Fed. R. Civ. P. 26(a)(2) and Local Rule 26-1(b)(3).

1 In this regard, the Parties propose that the disclosure of primary or direct experts and their reports  
 2 shall occur by **October 7, 2024**,<sup>1</sup> 60 days before the proposed discovery cut-off date. The  
 3 disclosure of rebuttal experts and their reports shall be made by **November 5, 2024**, 30 days after  
 4 the initial disclosure of experts.

5 **3. Dispositive Motions.** The deadline for filing dispositive motions is **January**  
 6 **6, 2025**,<sup>2</sup> 30 days after the discovery-cutoff date.

7 **4. Pretrial Order.** In the event a dispositive motion is filed, the Joint Pretrial  
 8 Order will be due 30 days from a decision on the dispositive motion. In the event a dispositive  
 9 motion is not filed, the deadline for the Joint Pretrial Order is **February 4, 2025**, 30 days after the  
 10 dispositive motion-deadline.

11 **5. Fed. R. Civ. P. 26(a)(3) Disclosures.** The disclosure required by Fed. R.  
 12 Civ. P. 26(a)(3) and any objections to them shall be included in the joint pretrial order in  
 13 accordance with LR 26-1(b)(6).

14  
 15 ///

16  
 17 ///

18  
 19 ///

20  
 21 ///

22  
 23 ///

---

24  
 25  
 26  
 27 <sup>1</sup> Sixty days before the close of discovery of December 5, 2024 falls on Sunday, October 6, 2024.  
 28 Thus, this deadline extends to the next court day, Monday, October 7, 2024, by operation of Fed.  
 R. Civ. P. 6(a)(1)(C).

6. ***Extensions or Modifications of the Discovery Plan and Scheduling Order.***

In accordance with LR 26-4, any motion or stipulation to extend a deadline set forth in this discovery plan and scheduling order shall be received by the Court no later than 21 days prior to the expiration of the subject deadline. A request made within 21 days before the expiration of the subject deadline will be supported by a showing of good cause. Any stipulation or motion will fully comply with LR 26-3.

**IT IS SO STIPULATED.**

DATED this 3<sup>rd</sup> day of July 2024.

**GALLIAN WELKER & ASSOCIATES, L.C.**

/s/ Nathan E. Lawrence

Michael I. Welker, NBN 7950  
Travis N. Barrick, NBN 9257  
Nathan E. Lawrence, NBN 15060  
730 Las Vegas Blvd. S., Ste. 104  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiffs*

DATED this 3<sup>rd</sup> day of July 2024.

**OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**

/s/ Kathryn C. Newman

Kathryn C. Newman, NBN 7435  
Noel M. Hernandez, NBN 13893  
10801 W. Charleston Blvd., Suite 500  
Las Vegas, NV 89135  
*Attorneys for Defendant*

**IT IS SO ORDERED.**

DATED: 7/8/2024



UNITED STATES MAGISTRATE COURT JUDGE

<sup>2</sup> Thirty days after the close of discovery on December 5, 2024, falls on Sunday, January 5, 2025. Thus, this deadline extends to the next court day, Monday, January 6, 2025, by operation of Fed. R. Civ. P. 6(a)(1)(C).